DOCUMENT RESUME

ED 399 738 EC 305 069

AUTHOR Sterling, Beth
TITLE Your School and Your Rights: Discrimination against Children with Diabetes in the Public School System.
INSTITUTION American Diabetes Association, Alexandria, VA.
PUB DATE Dec 95
NOTE 5p.
PUB TYPE Guides - Non-Classroom Use (055)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Access to Education; *Diabetes; Disability Discrimination; Educational Legislation; Elementary Secondary Education; Federal Legislation; *Parent Rights; Parent School Relationship; *Public Schools; Pupil Personnel Services; *Student Rights

ABSTRACT

This leaflet provides the parents of children with diabetes an overview of education legislation that affects the education of their child. The guide briefly explains the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act 1973, the rights of the parent or legal guardian of a child with diabetes, such as the right to request that their child be found eligible for special services and to have an Individualized Education Program (IEP) or an accommodation plan developed. An inset describes the difference between an I.E.P. and a Section 504 plan. The guide lists the accommodations that a written plan might include allowances for, such as eating whenever or wherever necessary, and being out sick more often than the traditional limit. The guide also notes how to address discrimination through education, negotiation, and litigation. Three relevant organizations are listed. (CR)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

Addressing Discrimination

Educate

The first step is to educate the school personnel. Use the process of developing an IEP or Section 504 plan to educate the school officials about diabetes and how it affects your child. Often, school personnel just do not understand and they are not intentionally discriminating against your child.

Negotiate

During the process of developing your child's individual accommodation plan, you will need to negotiate with the school officials. If the school personnel are wary about making accommodations, it is important for you to know that it is your right to ensure reasonable accommodation. However, you are likely to come to a settlement more easily if you attempt to understand the concerns of the school personnel and negotiate toward an agreement suitable to both parties.

Litigate

If your child's needs are not being recognized, then you have no choice but to file an administrative complaint with the Department of Education in your state. After exhausting all of your other options, seeking protection in the courts may be necessary to ensure that your child receives a free, appropriate public education.

BEST COPY AVAILABLE

EC305069

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
M. Manby
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

ED 399 738

If you believe your child has been discriminated against or if you need more information about the educational rights of children with diabetes, please contact:

For information about diabetes:

American Diabetes Association
1660 Duke Street
Alexandria, VA 22314
1-800-DIABETES

For information about an Individualized Education Program or Section 504 Accommodation Plan:

National Information Center for Children and Youth with Disabilities
P.O. Box 1492
Washington, DC 20013
1-800-695-0285

For technical assistance and referrals for local support:

National Parent Network on Disabilities
1727 King Street, Suite 305
Alexandria, VA 22314
(703) 684-6763

American Diabetes Association.

Let's get serious about diabetes.

American Diabetes Association.

Your School and Your Rights

Discrimination against children with diabetes in the public school system

The Laws

The right of students with disabilities to receive a free, appropriate public education is solidly rooted in the guarantee of equal protection under law provided by the United States Constitution. The federal laws listed below ensure that students with disabilities receive a free, appropriate public education without discrimination.

Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 provides individuals with disabilities basic civil rights protection against discrimination in any program or activity receiving federal financial assistance, including public schools.

Many parents develop an accommodation plan with school officials as suggested in Section 504 to protect the rights of their child while at school.

Individuals with Disabilities Education Act of 1991

The Education for All Handicapped Children Act of 1975, amended in 1991 and renamed the Individuals With Disability Education Act (IDEA), guarantees a "free, appropriate public education," including special education and related service programming for all children with disabilities.

Children with diabetes are specifically protected under this legislation since diabetes is listed among the chronic health conditions covered in the category of "other health impairment."

Your Rights

As the parent or legal guardian of a child with diabetes in the public school system, you have the right:

- To request that your child be found eligible for special services.
- To schedule a meeting with school officials to develop an Individualized Education Program (IEP) under IDEA or a Section 504 accommodation plan to address your child's specific needs. You have the right to bring experts to this meeting to better explain your child's diabetes management.
- To develop an IEP or Section 504 plan to accommodate the unique requirements of your child. This plan may precisely set out the types of special related services your child needs to receive.
- To not sign a plan unless it conforms to your child's medical needs. The law requires that all parties agree to the individual plan before it is established. Be reasonable, but stand firm.
- To be notified and agree to any proposed changes in your child's plan, to be included in conferences and meetings held to review individualized programs and to approve these changes before they are implemented.

The difference between an I.E.P. and a Section 504 accommodation plan is the process by which the plan is developed and implemented. An I.E.P. qualifies your school for federal aid; a Section 504 plan does not.

Accommodations

Any school receiving federal funding must accommodate the special needs of its students in order to assure them a "free, appropriate public education." Such accommodation should be documented in either a Section 504 plan or in an Individualized Education Program.

Work with the school in establishing written documentation of accommodation explicitly detailing the specific needs of your child with diabetes.

Your written plan might include allowances for:

- Eating whenever and wherever necessary.
- Going to the bathroom or water fountain.
- Participating fully in all extra-curricular activities, including sports and field trips.
- Eating lunch at an appropriate time with enough time to finish eating.
- Being out sick more often than the traditional limit.
- Assistance with blood glucose monitoring or insulin injections, where appropriate.

These are examples of some of the things to include in an individual plan. Consult your child's doctor when determining your individual recommendations.

BEST COPY AVAILABLE